

REMARKS

Claims 1 and 4-11 are amended and claims 2 and 3 are cancelled. Support for the changes to claims 1 and 8 can be found in original claim 3, on page 5, lines 10-11 of the specification, and in claim 1 of U.S. Patent No. 6,193,776, the contents of which were incorporated by reference into the present application. Claims 4-11 have been renumbered to correct a typographical error. Claims 1 and 4-11 are presented for further examination.

The rejection of claims 1-3 as anticipated by either JP 63270612 or RU 2073436, the rejection of claims 1-3 and 8-11 as anticipated by GB 1580248, and the rejection of claims 1-11 as obvious over Doetsch, US 6,193,776 or Farone, US 5,395,419 in view of GB 1580248 and further in view of GB 1575792 are respectfully traversed with respect to the amended claims.

Independent claims 1 and 8 recite a homogeneous, boron-doped alkaline earth peroxide. As amended, claims 1 and 8 require that the alkaline earth peroxide is a mixed calcium/magnesium peroxide comprising calcium peroxide and magnesium peroxide that are homogeneously dispersed in each other on a molecular level. Claims 1 and 8 further require that the boron is homogeneously distributed in the mixed calcium/magnesium peroxide. This combination of features is not disclosed or suggested by any combination of the cited references.

Regarding the anticipation rejections, both RU 2073436 and GB 1580248 fail to teach a mixed calcium/magnesium peroxide. JP 63270612 discloses a mixture comprising calcium peroxide and magnesium peroxide (compound A). JP 63270612 further discloses that compound A can be combined with a processed boron magnesium fertilizer (compound B). However, JP 63270612 does not disclose or suggest that the boron, which is incorporated in compound B, is homogeneously distributed in the mixed calcium/magnesium peroxide (compound A).

None of these references teaches or suggests the claimed boron-doped alkaline earth peroxide. Pointedly, none of these references teaches or suggests that boron is homogeneously distributed in a mixed calcium/magnesium peroxide. Accordingly, reconsideration and withdrawal of the rejections under §102 are respectfully requested.

Regarding the obviousness rejection, Doetsch discloses a homogeneous calcium/magnesium peroxide, but is silent as to boron or boron doping, and Farone teaches the use of oxygen delivery vehicles, including peroxides of calcium, potassium and magnesium (see respective abstracts). Neither primary reference teaches or suggests a mixed calcium/magnesium peroxide that is boron-doped such that the boron is homogeneously distributed within the mixed calcium/magnesium peroxide. This deficiency is not remedied by the secondary references.

GB 1580248 teaches a process for coating beet seed using a coating agent comprising calcium peroxide and other optional additives. Boron derivatives are included in the list of optional additives, which may also include other organic or inorganic fillers. However, even if the boron derivatives are selected from the list of optional additives, GB 1580248 does not teach that the seed coating process results in a homogeneous, boron-doped alkaline earth peroxide wherein the boron is homogeneously distributed within the peroxide.

As set forth in the Summers' chapter entitled "Granulation," which was cited in the Office Action, granulation is a process in which powder particles are made to adhere to form larger, multi-particle entities (see page 365). Thus, while granulation may mix the ingredients to homogeneity on a macroscopic (powder particle) level, there is no teaching that granulation results in boron being homogeneously distributed within the mixed calcium/magnesium peroxide (i.e., boron-doped calcium/magnesium peroxide).

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GB 1575792 teaches peroxygenated compounds that are coated with a solid coating agent containing at least one boric compound (see page 1). However, there is no teaching or suggestion in GB 1580248 that such a coating process results in a homogeneous doping of boron within the mixed calcium/magnesium peroxide.

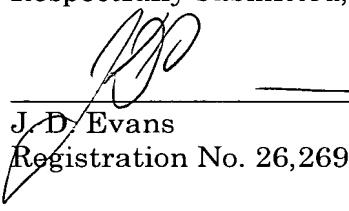
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038715.53046US).

Respectfully submitted,

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